

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SEP 20 2005

SHERMAN DIVISION

DAVID J. MALAND, CLERK  
BY  
DEPUTY \_\_\_\_\_

HUNG THANH PHAN, #04093593

§

VS.

§

CIVIL ACTION NO. 4:05-CV-116

UNITED STATES OF AMERICA

§

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Don Bush who issued a Report and Recommendation concluding that the motion pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct sentence should be dismissed without prejudice. The Petitioner did not file any objections to the Report. The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration and the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the motion pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct sentence is **DENIED** and the case is **DISMISSED** without prejudice. All motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 20 day of September, 2005.

  
PAUL BROWN  
UNITED STATES DISTRICT JUDGE